



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

May 26, 2021

**BY ECF**

Honorable Loretta A. Preska  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Timothy Frazier*, 90-CR-00913 (LAP)**

Dear Judge Preska:

The Government writes to respectfully request a 30-day extension of the deadline to respond to the defendant's motion to reduce his sentence pursuant to Title 18, United States Code, Section 3582(c)(2) & 3006A. (Dkt. No. 582). The Government's response is currently due on June 1, 2021. (Dkt. No. 583). This is the first request for an extension.

The defendant argues in his motion that he is eligible for a sentence reduction based on amendments that the United States Sentencing Commission has made to the sentencing ranges applicable to certain cocaine base offenses. (Dkt. No. 582 at 3). The Government is conducting a thorough review of the record in this case to determine whether the defendant is eligible for any sentence reductions. As part of that review, the Government hopes to review both the Presentence Investigation Report ("PSR") and the transcript of the defendant's sentencing hearing.

As the Court knows based on briefing from June 2020, the PSR and sentencing transcript may be located with the physical records from this case at the Federal Records Center ("FRC"). (Dkt. No. 565). In June of last year, the FRC was responding only to emergency requests for documents. The Government understands that the FRC is now honoring additional requests for documents, but that those requests may be delayed because of COVID-19-related staffing reductions at the FRC. In light of the defendant's motion, the Government has requested paper files from the FRC so that the Government may identify and review the PSR and transcript if they are available. Given the volume of documents and the limitations on how many boxes of documents may be ordered at any given time, the Government anticipates that this review will continue past the June 1, 2021 response deadline. The Government also expects that it may be able to complete this review and provide a response to the defendant's motion within 30 days of the original deadline.

For the reasons stated above, the Government respectfully requests a 30-day extension of the deadline to respond to the defendant's motion, and a corresponding extension of time for the defendant's reply, which would set the Government's response due by July 1 and the defendant's reply by July 22.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney

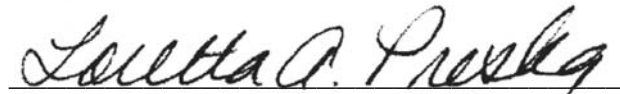
by: /s/ Brandon D. Harper  
Brandon D. Harper  
Assistant United States Attorney  
(212) 637-2209

cc: Timothy Frazier (via U.S. Mail)

The extension requested above--which Mr. Frazier opposes, (see dkt. no. 585)--is GRANTED. The Clerk of the Court shall mail a copy of this order to Mr. Frazier.

**SO ORDERED.**

Dated: May 27, 2021  
New York, New York

A handwritten signature in cursive script, reading "Loretta A. Preska", written over a horizontal line.

LORETTA A. PRESKA, U.S.D.J.